

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2424 – HB 2409

April 14, 2014

SUMMARY OF ORIGINAL BILL: Enacts “The Open Carry Firearms Freedom Act of 2014” that makes multiple changes to state law regarding handgun carry permits and the carrying and possessing of firearms, including but not limited to: the addition of the definition “hidden from common observation”, which means a handgun is not observable by an ordinary person or is observable but is of such deceptive appearances as to disguise the handgun’s true nature; the authorization for any individual to carry a handgun when the handgun is openly observable by the ordinary person; the requirement that only persons wishing to conceal a handgun are required to obtain and maintain a new concealed handgun carry permit; changes to offenses related to the unlawful carrying of a handgun such that the offenses become applicable to the unlawful carrying of concealed handguns; the authorization for current handgun carry permit holders to convert their handgun carry permit to a concealed handgun carry permit, when such person’s permit expires, if such person wishes to carry a concealed handgun; and a prohibition against issuing handgun carry permits or handgun carry permit renewals as they exist under current law after September 1, 2014. For purposes of implementation of this Act, the effective date is upon becoming law; for purposes of accepting and processing applications for concealed handgun carry permits, the effective date is July 1, 2014; for all other purposes, including the issuance and use of concealed handgun carry permits; the effective date is September 1, 2014.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$100,000/One-Time

SUMMARY OF AMENDMENTS (016354, 015826): (015826) Amendment 015826 deletes all language after the enacting clause; enacts “The Open Carry Firearms Freedom Act of 2014” which removes the carrying of a firearm and the carrying of a knife with a blade four inches or longer from the list of offenses with the intent to go armed; adds a new Class C misdemeanor for a first offense conviction for carrying a handgun fully concealed from ordinary observation on his person, and adds a Class B misdemeanor for a second and subsequent offense; removes exceptions for the offense of unlawful carrying or possession of a weapon when a permit holder is carrying or possessing a rifle or shotgun in or on a privately-owned motor vehicle, when such weapons do not have ammunition in the chamber or cylinder; makes defense to unlawful possession or carrying of a weapon no longer contingent upon the location of ammunition; removes defense to unlawful possession or carrying of a weapon for the purpose of protecting livestock; permits individuals on school property to remove a firearm from a vehicle for the limited purpose of storing it in or on another portion of a vehicle; and clarifies that a

SB 2424 – HB 2409

handgun carry permit allows the holder to carry a handgun either openly or concealed. States that nothing in the act requires the Department of Safety to change the language on a handgun carry permit, as such exists prior to the effective date of the act. Amendment 016354 expressly prohibits the Department of Safety from changing the language contained on a handgun carry permit from the language that exists on the permit prior to the effective date of this act. Effective upon becoming law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:


NOT SIGNIFICANT

Assumption for the bill as amended:

- Based on information from the Department of Safety, and given that the Department will be prohibited from changing the language stated on the handgun permit card following enactment of this legislation, the fiscal impact for the bill as amended is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/dwl